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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/509,046	04/21/2005	Hiromune Ozaki	SAEG173.001APC	3156

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KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER
NICKERSON, JEFFREY L

ART UNIT	PAPER NUMBER
2141	

NOTIFICATION DATE	DELIVERY MODE
02/20/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com
eOAPilot@kmob.com

	Application No.	Applicant(s)
Office Action Summary	10/509,046	OZAKI, HIROMUNE
	Examiner	Art Unit	
	JEFFREY NICKERSON	2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *14 January 2008*.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-8* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-8* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☒ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/ are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   This communication is in response to Application No. 10/509,046 filed nationally on 21 April 2005 and internationally on 11 March 2003. The amendment presented on 14 January 2008, which provides change to claims 1, 7, and 8, the abstract, and the title. Claims 1-8 have been examined.

Specification

2.   The amendment presented on 14 January 2008 that provides change to the title and abstract is noted. All prior objections to the specification are hereby withdrawn. However, a new objection is being made regarding the abstract.

3.   The abstract of the disclosure is objected to under 37 CFR 1.72(b) because it contains implied phraseology. The phrase "Provided is" in the first sentence of the amended abstract falls under the category of implied phraseology and should be removed. Correction is required. See MPEP § 608.01(b).

Claim Objections

4.   The amendment presented on 14 January 2008 that provides change to claim 8 is noted. All prior objections to the claims are hereby withdrawn.

Claim Rejections - 35 USC § 101

5.   The amendment presented on 14 January 2008 that provides change to claim 8

is noted. All prior rejections under 35 USC 101 are hereby withdrawn.

Response to Arguments

6.   Applicant's arguments with respect to claims 1-8 have been considered but are

moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

7.   The text of those sections of Title 35, U.S. Code not included in this action can

be found in a prior Office action.

8.   Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Druckenmiller et al (US 6,167,435), and further in view of Ferber (US 7,184,971 B1) and

Mullaney (US 2001/0037283 A1).

Regarding claim 1, Druckenmiller teaches a method for distributing information

(informational messages) to multiple users via a network (Druckenmiller: col 2, lines 58-

65 specify multiple subscribers connected to the distribution server over a network), the method comprising the steps of:

transmitting notice information (emails, messages, specifically verification emails) to a destination email address of a registered user (subscriber) whose user information, including a unique user ID (unique token) and the destination email address, has been stored, the notice information containing the user ID; (Druckenmiller: col 4, lines 30-56 specify that the subscribers register for mailing lists which are distributed to their email address via email notices; Druckenmiller: col 4, line 58 – col 5, line 11 specify associating a token with the subscriber and their email address and storing the user information in a database; This section also specifies sending a verification email containing the user token)

acquiring the user ID of the registered user and transmitting a designated Web page when the registered user clicks a banner area (link) that is displayed on the user terminal by receiving the notice information (Druckenmiller: col 5, lines 16-33 specify that one embodiment involves returning the token by clicking a URL and filling a form, which provides sending a web page to the user terminal; See also Figure 3, items 38, 32, 34);

transmitting the notice information to the email address of a registered user that is specified when a request for sending the notice information is made by the user via the Web page, the notice information containing the user ID; (Druckenmiller: col 4, lines 30-67 specify signing up for subscriptions on a web page and being sent a verification email containing a unique token)

Druckenmiller does not teach wherein a registered user makes the request and the notice information is forwarded to an unregistered user by indicating a forwarding email address on a Web Page. Nor does he teach where he acquires the user ID of the registered user from the unregistered user. Nor does he teach further issuing and storing the unregistered user an ID that is associated with the referring user ID when the unregistered user makes a registration request.

Mullaney, in a similar field of endeavor, teaches receiving from the registered user, a request for forwarding the notice information to a forwarding address of an unregistered user, the forwarding address being provided by the registered user via a Web page. (Mullaney: [0029] and [0030]; See also Figure 4, bottom left depicts referring friends by their email addresses via a Web Page)

Ferber, in a similar field of endeavor, teaches a system wherein subscribers can refer unregistered users to be sent notice information (Ferber: Figure 2, item 230; Ferber: col 12, lines 38-64 specify subscribers referring unregistered users using their software means; col 2, lines 5-24 specify the software is email based and referrals are tracked; col 3, lines 1-4 further specify that the email referrals are kept track of). He further teaches acquiring the user ID of the registered user from the unregistered user (Ferber: col 12, lines 28-38 specify a registering user indicates the referring user). He further teaches issuing and storing the unregistered user an ID that is associated with the referring user ID when the unregistered user makes a registration request (Ferber: col 12, lines 28-64 specify the user referral information is stored, keeping track of

referrers; Ferber: col 3, lines 1-4 also specify the information stored, providing they are

associated).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to utilize the teachings of Mullaney for allowing registered users to

indicate a friend's email address to send notice information, and Ferber for using

subscriber referrals in the email distribution system. The teachings of Mullaney and

Ferber, when implemented in the Druckenmiller system, will enable one of ordinary skill

in the art to offer incentives for subscriber referrals and increase the advertisement

distribution database by viral marketing. One of ordinary skill in the art would be

motivated to utilize the teachings of Mullaney and Ferber in the Druckenmiller system in

order to offer incentives to accumulate subscribers or email addresses and get

subscribers to view advertisements.

Regarding claim 2, the Druckenmiller/Mullaney/Ferber system teaches wherein the

notice information transmitted by the server to the registered or unregistered user

contains information indicating the location of the Web page and being accompanied by

the user ID (Druckenmiller: Figure 3, item 38 depicts the URL which is a location of a

Web page; Figure 3, item 32 depicts the user's email address which is used as an

identifier; Figure 3, item 34 depicts the user's token ID, another user ID).

Regarding claim 3, the Druckenmiller/Mullaney/Ferber system teaches wherein the

notice information transmitted by the server to the forwarding address includes

comment data received from the registered user. (Mullaney: Figure 4, bottom right of

section 62 depicts a comment box to be included to email messages to friends)

Regarding claim 4, the Druckenmiller/Mullaney/Ferber system teaches wherein the

notice information transmitted by the server to the addresses selected from multiple

forwarding addresses (mail lists, distribution lists) specified by the registered user

(Ferber: col 2, lines 19-24 specify that the messages can be sent to distribution lists)

lists eliminating those stored as ones to which notice information cannot be sent.

(Ferber: col 3, lines 36-36 specify the system removes undeliverable email addresses)

Regarding claim 5, the Druckenmiller/Mullaney/Ferber system teaches wherein the

email addresses to which notice information cannot be sent include the email addresses

of unregistered users who have sent a notice to the effect that they do not wish to

receive the notice information. (Druckenmiller: col 7 line 55 – col 8, line 8 specify how

users can unsubscribe from a mailing list)

Regarding claim 6, the Druckenmiller/Mullaney/Ferber system teaches wherein the

notice information is transmitted via email. (Druckenmiller: col 9, lines 49-56 specify the

various mediums this invention can occur on, including the preferred embodiment of

email)

Regarding claim 7, this server claim comprises limitations substantially similar to that of claim 1 and the same rationale of rejection is used, where applicable.

Regarding claim 8, this computer readable medium claim comprises limitations substantially similar to that of claim 1 and the same rationale of rejection is used, where applicable.

Conclusion

9.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEFFREY NICKERSON whose telephone number is (571)270-3631. The examiner can normally be reached on M-Th, 8:30-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J.N./
Jeffrey Nickerson
Patent Examiner
AU 2142

ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER